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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

KENNETH CARRETHERS,

No. C-09-1101 EMC

Plaintiff,

v.

**FINAL JURY INSTRUCTIONS –  
ADDITION OF JURY INSTRUCTION  
NO. 33A**

BAY AREA RAPID TRANSIT, *et al.*,

Defendants.

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**FINAL JURY INSTRUCTIONS**

**JURY INSTRUCTION NO. 33A**

**LEGAL RELATIONSHIP NOT DISPUTED**

In this case the individual Defendants were employees of BART.

With respect to the state claims, because the individual Defendants were acting within the scope of their employment when the incident occurred, BART would be responsible for any harm caused by their conduct.